

Appl. No. 10/633,963
Docket No. CM2685L
Amdt. dated 12/06/2006
Reply to Office Action mailed on 10/05/2006
Customer No. 27752

REMARKS

Claim Status

Claims 35-48 are pending in the present application. Claims 1-32 were previously canceled. Claims 33 and 34 are currently canceled without prejudice and their limitations are incorporated into presently amended claim 35.

Claims 45-48 are amended to change their dependence from claim 33 to claim 35.

It is believed these changes do not involve any introduction of new matter. Additionally, no additional claims fee is believed to be due. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

The Office Action indicates that claim 33 is rejected under 35 USC §112, Second Paragraph for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, "[c]laim 33 defines G" as viscous modulus at line 3 but refers to it as elastic modulus at line 8." The present cancellation of claim 33 obviates the §112 rejection and as such, Applicants respectfully request its withdrawal.

Rejection Under 35 USC §102 Over Corzani, et al. and Objection for Dependence Upon a Rejected Base Claim

The Office indicates that claims 33, 34 and 45-48 are rejected under 35 USC §102(b) as being anticipated by Corzani (identified in the "Notice of References Cited" as US Patent No. 6,156,818). The Office further indicates that claims 35-44 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have canceled claims 33 and 34 thereby obviating the anticipation rejections applied thereto. Claim 35 has been rewritten to incorporate the limitations of claim 33 (its "base claim") as well as those of claim 34 (its "intervening claim"). The objection of claim 35 is thereby obviated and allowable per the Office. Since claims 36-

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44 depend from claim 35 and thereby incorporate its limitations, the objections to claims 36-44 are also obviated and the claims are allowable per the Office.

Claims 45-48 are amended to incorporate the limitations of claim 35. Since: (1) Applicants have amended claim 35 to render it allowable per the Office; and (2) claims 45-48 depend from and are narrower in scope than claim 35; it stands to reason that claims 45-48 are also currently in condition for allowance.

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Conclusion

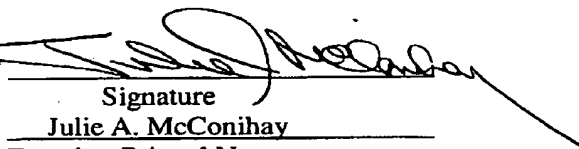
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC. §§112 and 102. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 35-48 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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